

RESPONSE TO THE OFFICE ACTION

1. Claims 14-26 have been rejected under 35 USC 102(e) as anticipated by Mir (US Patent No. 6,450,887).

As will be shown by the following detailed analysis, although Mir and the claimed invention relate to terminal-based wagering on pari-mutuel events, there is a fundamental difference in objectives, practice and function in Mir that avoids anticipation of the claimed subject matter.

As Noted by the Examiner, Mir does place wagers to a totalisator on future events in one format of play. Mir thus acts as a direct wagering terminal to a single pool. However, the claims require more than such simple direct wagering, which has been available for many years.

Claim 14 specifically recites both that:

“...a bet allocator in communication with the wagering processor for allocating each said bet amount amongst at least one of a plurality of parimutuel betting pools in accordance with the associated predicted outcome...”

Mir accepts the bet and places the entire bet into a single pool with which the totalisator is in communication. There is no plurality of pools “associated with the predicted outcome, but only a single pool. There is no allocation, as 100% of all wagers go into a single pool. There is no bet allocator, as there can be no allocation, but only direct placement of the wager into a single pool. Each and every one of the three of the highlighted limitations is not shown by Mir. **There can be no anticipation of claim 14, and therefore no claim can be anticipated.**

This issue is absolutely critical, as the claims require that the system and method actually provide

“...a bet allocator in communication with the wagering processor for allocating each said bet amount amongst at least one of a plurality of parimutuel betting pools in accordance with the associated predicted outcome...”

As noted, this is impossible when wagering to a single totalisator on a single event. Mir cannot allocate wagers among pools for a single event and never asserts that wagers are distributed among pools. Rather, **discussing this function only with regard to past events and having no teachings relevant to wagering on future events**, Mir “collates pools,” using past pool payout

rates as a basis for determining what appropriate payouts would be on those past events. The wagers are not allocated among pools, but wagered into a single pool through the totalisator.

These distinctions are memorialized in claim 14 as follows:

“wagers being placed preceding the start of the future race events or games;” and

“a bet allocator in communication with the wagering processor for allocating each said bet amount amongst at least one of a plurality of parimutuel betting pools in accordance with the associated predicted outcome;”

As can be seen from these limitations in claim 14, and therefore in every claim in the application, the wagers are allocated among a plurality of pari-mutuel pools. Each of these steps is different from what is taught by Mir. The rejection is in error and must be withdrawn.

Claim 20 similarly contains the limitations that are not taught by Mir, as shown by the **highlighted** portions of the claims:

the **processor allocating each said bet amount amongst at least one of a plurality of parimutuel betting pools in accordance with the wager associated with the predicted outcome of the future event**”

As can again be seen, this second independent claim is not anticipated by Mir and cannot be anticipated by Mir for the reasons discussed with regard to claim 14.

Claim 15 recites (with claims 16-19 dependent therefrom) that the system has:

“...an indicia processor in communication with the wagering interface and the indicia correlation table for deriving the predicted outcomes from the indicia selections in accordance with the rules ...”

This feature is not disclosed by Mir. Therefore claims 15-19 have this additional ground for finding at least novelty from Mir and the rejection is additionally in error for this reason.

CONCLUSION

All rejections have been overcome by argument and shown to be in error. All rejections should be withdrawn, and all claims should be allowed.

Examiner is invited to telephone the below-signed attorney at 952-832-9090 to discuss any questions which may remain with respect to the present application.

Respectfully submitted,
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By



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